

RESOLUTION NO. 2007-41 (Saddle Rock Ranch Subdivision)

A RESOLUTION, amending prior Resolution No. 2006-48 pertaining to preliminary approval of "Saddle Rock Ranch Subdivision", and granting approval of the Improvement Agreement.

RECITALS

WHEREAS, the City Council of the City of Wenatchee adopted Resolution No. 2006-48 at its regular council meeting of October 26, 2006.

WHEREAS, Resolution No. 2006-48 granted preliminary approval, with conditions, to Saddle Rock Ranch Subdivision.

WHEREAS, condition of approval No. 15 in Resolution No. 2006-48 provided "That the developer's engineer be responsible for certifying that all construction meet the intent of the design, prior to final approval."

WHEREAS, the developer of Saddle Rock Ranch Subdivision has requested to bond for certain physical improvements to achieve final plat approval prior to completing all of the conditions imposed on the preliminary plat.

WHEREAS, the developer has submitted the Improvement Agreement attached hereto as Exhibit "A" that, among other things, provides for bonding in the amount of 150% of the project engineer's estimate subject to the City engineer's approval to ensure that the required improvements will be completed.

WHEREAS, RCW 58.17.130 provides, in pertinent part, that "local regulations shall provide that in lieu of the completion of the actual construction of any required improvements prior to the approval of a final plat, the City's . . . legislative body may accept a

bond, in an amount and with surety and conditions satisfactory to it, or other secure method, providing for and securing to the municipality the actual construction and installation of such improvements within a period specified by the City”

WHEREAS, WCC 11.16.240 provides that “the administrator shall verify: *** (5) that the facilities and improvements required to be provided by the subdivider has been completed or, alternatively, that the subdivider has provided bonds in a form acceptable to the City Attorney, and in an amount and with responsible sureties commensurate with improvements remaining to be done, securing to the City the construction and installation of the improvements within a fixed time set by the Commission.”

WHEREAS, WCC 11.16.250 provides that “the Council shall, at its next public meeting, determine: *** (3) whether the bond, if there be one, by its essential terms, assures completion of improvements within the stipulated time limits.”

WHEREAS, condition No. 15 of preliminary plat approval set forth in Resolution 2006-48 cannot by its terms be satisfied prior to completion of construction of the required improvements and must be amended to allow bonding for final plat approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE as follows:

SECTION I

The foregoing recitals shall be and hereby are incorporated into this Resolution as if fully set forth.

SECTION II

That prior Resolution No. 2006-48, condition of approval No. 15, is hereby amended to read as follows:

"That the developer's engineer be responsible for certifying that all construction meet the intent of the design, prior to final approval or release of any improvement bond authorized by WCC 11.16.240 (5) and WCC 11.16.250 (3).

SECTION III


That the Improvement Agreement in the form attached hereto as Exhibit "A" is approved and the Mayor is authorized to execute the same on behalf of the City of Wenatchee.

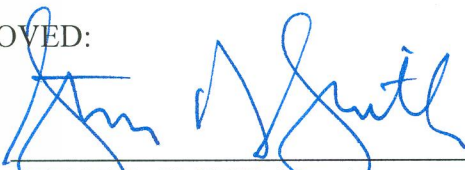
PASSED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE, at a regular hearing thereof this 22 day of Aug, 2007.

CITY OF WENATCHEE, a Municipal Corporation

By: 
DENNIS JOHNSON, Mayor

ATTEST:

By: 
VICKI REISTER, C.M.C.
City Clerk

APPROVED:
By: 
STEVE D. SMITH, City Attorney